

5th annual CINA conference in Solomons

Renewing our commitment to children

The Fifth Annual Child Abuse and Neglect Judicial Conference, sponsored by the Foster Care Court Improvement Project was held on October 7th and 8th in beautiful Solomons, Maryland at the Holiday Inn Select. Conference attendees were treated to an enveloping back drop of pleasant fall days and breezy evenings along the Chesapeake Bay. This year's conference was a showcase for several nationally respected experts to share their knowledge in the areas of Children and Grief and Loss and the Long-Term Consequences of TPR/Adoption. The Honorable David Mitchell of the National Council of Juvenile and Family Court Judges opened the conference with his keynote address on the direction our nation's juvenile courts should take, and his assessment of Maryland's most recent initiatives.

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Left to right: Brenda Timmons, Baltimore City Circuit Court's Court Medical Office; Kathy Coleman, Family Support Services Coordinator, Dr. Tony Tuggle, Baltimore City Circuit Court's Court Medical Office

photo by Pamela Ortiz

Improving self-representation for courts, counsel and parties

Prince George's hosts first pro se orientation program

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Large numbers of Americans are choosing to represent themselves in court even when they can afford an attorney. Unless properly prepared, pro se litigants delay courtroom proceedings and pleadings may be incomplete or improperly prepared. Masters and judges may feel the need to accommodate them, challenging the court's ability to remain neutral.

The Circuit Court in Prince George's County has taken steps to address these potential problems by developing a Pro Se Orientation Program. The goal of the program is to educate litigants about the risks involved with self-representation, their obligations and the legal consequences of non-performance. County Administrative Judge, William D. Missouri, in

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The "how" of it

Pamela Cardullo Ortiz, Executive Director



“No more fathers for me, man.”

— Aaron, age 6.

At age six, Aaron was the man of the family. Guardian of his siblings, and his mother’s protector. We were waiting for the shelter care hearing to begin when his biological father—one in a series of men who had courted, abused and then left his mother—waddled in. Handcuffed and in leg irons, the man took his seat at counsel table, his back to the boy.

Although this episode took place a few years ago, it is a scene familiar to many of us who work in the child protection system. As we focus on the proceedings—the facts of the case, the legal ramifications—we may miss the

“how” of it all—the impact the process itself has—on the family, on the respondents, on the child in the courtroom. Around the time I was representing Aaron, his siblings, and others like them, we had a visitor to the court in which I was practicing—a visitor from Great Britain. When asked his impressions of our child protection system, he responded with great horror, that the incarcerated in British courts would never be seen in chains, paraded together through the hallway—would never be handcuffed in the courtroom. He was dismayed to see the lack of dignity permitted to even the accused and convicted. I had only been practicing for a short period of time and yet, as his comments revealed, even I had become desensitized to the impression our courtroom made on outsiders—an impression not lost on my young client.



On this day, I noticed some activity in my peripheral vision. I looked down to see Aaron making a slashing gesture with his finger across his throat and pointing at the man seated up front. I gave Aaron one of those looks as if to say, “What’s up?” He

looked up, whispering, “No more fathers for me, man.”

Seven or eight years later I still remember Aaron. His simple statement has stayed with me for two reasons. One is because it reminds me that children carry with them visions of violence—violence against themselves, their siblings, their parents, that color their whole experience of life. The other reason is because it reminds me that the court process itself has a potent impact on children and their families. Aaron’s comment was prompted not only by the history of violence he had witnessed, but by the image of his father, emasculated, powerless and humiliated, sitting in chains in that courtroom.

Court reform is not sexy. While we strive to make better decisions for families and children, we must also not become desensitized to the impact we have on families by the processes to which we subject them. This is true for domestic and juvenile cases alike. Every now and then, we have to look at what we are doing from the point of view of someone from another country, from the point of view of a six-year-old boy.

family matters

We welcome your comments and contributions.

Please call or write: Pamela Cardullo Ortiz, Exec. Director

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Administrative Office of the Courts

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www.courts.state.md.us/family

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Save the date

Regional One-Day
Conferences on Child
Sexual Abuse.

Hosted by MCASA and
the Administrative Office
of the Courts

January 31, 2003
Annapolis
Judiciary Training Center

March 14, 2003
Salisbury
Wicomico Co. Circuit Court

March 21, 2003
Frederick
Frederick Co. Circuit Court

April 25, 2003
Baltimore
Location to be announced

MCASA to offer conferences

Identifying and responding to child sexual abuse

Child sexual abuse is an area that challenges all court professionals. A difficult issue to identify and treat, even for medical professionals, in the courts it can become a complex issue that can significantly harm children and their families if not handled appropriately.

Recently, the Maryland Coalition Against Sexual Assault (MCASA) was awarded a Special Project Grant by the Department of Family Administration. The project, entitled "CSA and Family Court: Recognizing the Impact of Child Sexual Abuse on Family Court Cases," is designed to build partnerships between court personnel and child sexual abuse experts and advocates. Grant activities will culminate with four one-day, regional conferences to educate judges, masters, family support service coordinators, child custody evaluators, mediators, guardians ad litem and child counsel on:

- Dynamics and psychology of child sexual abuse;
- Recognizing signs and symptoms of child sexual abuse;
- Research regarding the extent, nature and validity of sexual abuse allegations that arise during divorce and/or custody proceedings;
- Problems specific to the fact-finding of child sexual abuse alleged during divorce and/or custody proceedings;
- Parental alienation syndrome (A controversial theory that has, according to some researchers, resulted in custody of children being given to the abuser);
- Model response protocol; and community resources.

The 2003 regional conferences will be held in Annapolis on January 31, in Salisbury on March 14, in Frederick on March 21, and in Baltimore on April 25. For more information about MCASA's new court project, please contact Jennifer Pollitt Hill at 410-974-4507.

Mediation resources for litigants

The Spring 2002 issue of *Family Advocate*, a journal of the ABA Family Law Section, is a guide to family mediation for litigants. Articles include:

- Your ADR Options
- Glossary of ADR Terms
- To Mediate or Not to Mediate
- Your Lawyer as Mediation Coach

Copies can be ordered for distribution to clients, litigants and the public. To order copies: call 1-800-285-2221 or see www.abanet.org/family/advocate.

Prince George's County, cont. from p. 1

conjunction with the county bar association and the Law Foundation's Reduced Cost and Pro Bono Programs, established and appointed a diversified committee to advise the court in developing the program.

Based on a court survey of pro se litigants, the average party seeking to obtain a divorce without the assistance of an attorney is female, between 31 and 40 years of age, and African-American. She has one to three years of college or vocational training, is African American, has an income of \$30,000 to \$40,000 a year, and can afford a lawyer. The typical pro se litigant is also willing to attend an orientation divorce clinic or class if offered.

Program designers observed and interviewed court managers, the court's librarian, team leaders, volunteer and family practice attorneys, and judges. Based on that information, the court designed a program that would "address and balance the issue of court delays caused by 'lawyerless' parties with the needs of the community." Similar programs in other states were studied to identify best practices and successful models.

Different stakeholders had different goals for the program. Judges wanted the program to prepare unrepresented litigants better for trial. Attorneys wanted the program to educate litigants about the dangers of self-representation, and encourage them to seek counsel when appropriate.

The committee appointed by Judge Missouri determined the following:

- The program should be held within the Waiting Area of the Family Division Information Center of the Circuit Court because there is a lot of seating and all of the pro se forms are available there.
- The Court would contract with a member of the Prince George's County Bar Association to supervise the program and be responsible for training volunteer attorneys to present the program.
- Parties would be signed up to attend the program when they receive their packet of pro se divorce forms.
- There would be two-hour sessions (6:30–8:30 p.m.) twice a month, with a Spanish speaking interpreter present at one session.
 - A curriculum would be developed as a guideline for attorneys presenting the program.

- A representative from the Law Foundation or Legal Aid would attend each session to answer questions about reduced and waived fees.

Judge Julia Weatherly, committee chair, Perry Becker, co-chair, and Ayn Crawley of the Maryland Legal Assistance Network, developed a curriculum that was approved by the committee. Perry Becker, who will supervise the program, has contacted several attorneys who have agreed to present the program next year. Several Spanish speaking attorneys and the court's own paralegal have volunteered to be present on a rotating basis once a month to assist the Hispanic population attending the program.

Robyn Dague, Staff Manager of the Information and Referral Center, prepared packets of pro se divorce forms, with detailed instructions, for distribution at the Information Center, the Clerk's Office and the Law Foundation office in the court house.

The program received high marks from the 15 participants who attended the first two orientations in September and October. Several participants were encouraged to seek assistance from a lawyer, and all receive a certificate of attendance. The certificate, to be filed with their complaint for divorce, will help the court to track the program, evaluate its success, and improve it.

Linda Morris, Director, Family Division,
Circuit Court for Prince George's County



The Circuit Court for Prince George's County,
Upper Marlboro

Photo: Linda Morris

Interview with Judge Patrick Woodward

Driving force behind FCCIP



Judge Patrick Woodward

photo by Pamela Ortiz

Maryland's Foster Care Court Improvement Project (FCCIP) was launched in 1993; four years later, its assessment recommendations were implemented. Judge Patrick L. Woodward was the driving force behind this project, and for this issue of *Family Matters* we sat down with the Montgomery County Circuit Court judge to talk about the project.

Judge Woodward has served as an associate judge since 1998. Prior to that, he was a District Court judge for seven years. He received his undergraduate degree from Princeton University in 1970 and his law degree from Vanderbilt University in 1973. At Vanderbilt, Judge Woodward was a member of the Vanderbilt Law Review and served as its Recent Development Editor.

In 1996, the judge received the Champion for Children Award from the Maryland State Foster Care Review Board. In 1997, he was awarded the Outstanding Jurist Award from the Bar Association of Montgomery County. He is a frequent lecturer and the principal author of a bench book on landlord-tenant law.

Althea Stewart Jones, Director of the FCCIP in the Department of Family Administration, sat down with Judge Woodward to discuss his history with the project.

Althea: You have been chairing the FCCIP since its inception in 1993. How is it that you have been able to sustain the chairmanship for so long?

Judge Woodward: I looked at it as a challenge to take an area of law that had been overlooked, unintentionally, and try to make a difference, when that difference can have a dramatic impact on a child's life. It's the challenge of trying to make the judicial component of the child welfare system run more efficiently.

Althea: When you were appointed to chair the FCCIP in 1993, did you have any idea that you would still be chairing the project in 2002?

Judge Woodward: No. We first started with the assessment, findings, and recommendations. The next logical progression was to implement the recommendations regarding the juvenile courts' handling of CINA

and TPR cases which was to be three years. However, our grant kept getting re-authorized.

The FCCIP is a unique body that is different from other AOC committees. There isn't as high a turnover in this area. The judges and masters in juvenile should be those who are interested and have the temperament for it. Therefore, the committee members are interested and qualified.

Althea: What are your biggest accomplishments with regard to FCCIP, and why?

Judge Woodward: I personally haven't accomplished anything. All accomplishments have been the work of the Committee/Project and staff. We have realized a significant number of accomplishments. We have a new CINA statute. We previously had very little training for judges and masters in this area and now it has become a major focus. The *Guidelines of Advocacy*, adopted by the Court of Appeals, have been a major step in improving the quality of representation of children. There still is a lot more work to be done.

Althea: What has been the most challenging aspect of chairing the FCCIP?

Judge Woodward: Keeping everybody enthused and motivated to accomplish the goals of the FCCIP. I dislike projects and committees that do not produce results. It is important for all stakeholders to be brought together to achieve a common goal. It is a waste of everyone's time to meet and not accomplish anything.

Althea: Let's switch gears a little bit. You have been married to Patricia Woodward for 26 years, and have a daughter in her third year of law school. How old was your daughter when you began chairing the FCCIP and how have you been able to balance/juggle your many meetings and home life?

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Results of Guidelines of Advocacy Survey



In July 2001, the *Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings* became effective. One year later, the Foster Care Court Improvement Project engaged the American Bar Association to assist in evaluating the impact of the *Guidelines* on child advocacy in the state. Maryland juvenile judges and masters were surveyed about attorney compliance with the guidelines. The paragraphs below summarize the findings of the 60 survey responses. References to judges in this article include masters also.

Attorneys' awareness of guidelines

Sixty-two percent of the judges believe that attorneys representing children in CINA, TPR and adoption proceedings are aware of the *Guidelines of Advocacy*. One judge stated that they may be aware of the *Guidelines* but they may not follow them. Thirty-five percent of judges believe that 50 percent to 75 percent of attorneys are aware of the *Guidelines*.

Guidelines' impact on quality of representation

The main objective of the *Guidelines of Advocacy* is to improve the quality of attorney representation of children in certain proceedings. Nine percent of the judges believe a substantial difference has been made in the quality of attorney representation of children, 52 percent believe that the *Guidelines* have made a moderate difference, and 33 said there has been minimal or no difference. See Figure 1, p. 7.

Since implementation of the *Guidelines*, some judges report observing differences in the quality of representation. According to some judges, the *Guidelines* have made attorneys more aware of their role and responsibilities, forced attorneys to focus on their clients' positions, improved presentation, mandated more contact with the child (especially before a hearing), and increased their awareness of standards in general. A

small number of judges said that attorney compliance with the *Guidelines* in and out of court improves efficiency (for the most part) by improving case flow and timeliness. Some judges said their courts' children's counsels have always been professional and provided high quality representation in accordance with the principals of the *Guidelines* even before they were established. However, at least one judge indicated that some attorneys are still substandard in trial preparation and actual trial work.

How attorneys indicate their compliance

Judges were asked how attorneys indicated to them (by word or otherwise) that they are in compliance with the *Guidelines*. Most of the judges said that attorneys believe they are in compliance with the *Guidelines*. They said that attorneys offer compliance statements at different times in the court process, such as in opening statements, at the beginning of the case, through arguments or comments, or during the closing statement. In announcing compliance, the attorneys usually stated the extent of their interaction with clients, and the details and circumstances of those interactions, and whether the best interest or considered judgment standard is being applied. Other judges said that assessment of compliance (or non-compliance) is made by observation of the attorney's performance in court, their representation of the child's wishes, how their child's opinion is expressed, the attorney's position if the child is not capable of taking a position, and questions raised by the attorney as a result of their review of reports and records.

Questioning attorneys about their compliance

Attorneys may be more likely to comply with the *Guidelines* if judges demand compliance and consequences are outlined. Almost one-half (46 percent) of the judges said they question attorneys if they observe problems with *Guidelines* compliance. They monitor

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Child Counsel Guidelines

partial survey results



Figure 1. Difference Guidelines have made in quality of attorney representation in your court.

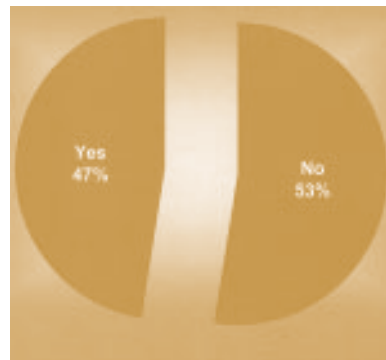


Figure 2. Do you question attorneys if you see problems with their compliance with the Guidelines?



Figure 3. How often do you believe attorneys are meeting with the child in multiple environments?



Figure 4. How often do you believe the attorneys are meeting with the child at all stages to conduct a meaningful interview?



Figure 5. How often do you believe attorneys are having meaningful contact with the child at least every six months?



Figure 6. How often do you believe attorneys are introducing independent evidence?

Extent of attorney compliance

The table below details the judges' responses about how often, to the extent compliance is reflected in court, they believe the attorneys perform various tasks:

	never	seldom	often	always	don't know
Meeting with the child in multiple environments (Guideline C1)	0%	30%	47%	12%	11%
Meeting with the child at all stages to conduct a meaningful interview (Guideline C1)	0%	11%	54%	31%	4%
Determining the child's position on the agency's petition, court report(s), evidence offered at hearing, and other relevant issues, including the permanency plan and placement (Guideline C2)	0%	2%	56%	40%	2%
Having meaningful contact with the child at least every six months (Guideline C3)	0%	14%	37%	39%	10%
Conducting a thorough and independent investigation (Guideline D1)	2%	25%	53%	17%	2%
Obtaining and reviewing relevant records (e.g., schools, medial, law enforcement) (Guideline D1)	2%	16%	64%	14%	4%
Interviewing or observing the child before all court hearings (Guideline D1)	0%	8%	56%	34%	2%
Interviewing school personnel and other professionals witnesses (Guideline D1)	4%	29%	47%	8%	12%
Attending all hearings (Guideline E2)	0%	2%	22%	74%	2%
Introducing independent evidence (Guideline E2)	4%	43%	39%	14%	0%
Cross-examining witnesses (Guideline E2)	0%	17%	48%	35%	0%

Advocacy Survey, cont. from p. 6

compliance by inquiring on the record (and sometimes in chambers) through direct questioning (For example, did you visit? when? did you talk about a particular issue? and inquiries about conflict with sibling representation, about the nature and frequency of contact with the client and professionals, and about the client's position). One judge postpones hearings for a few weeks to make sure attorneys comply with the *Guidelines*. Some judges said they do not question attorneys because they have not found compliance problems.

Difference between DHR-contracted attorneys and others

Three-fourths (78 percent) of the judges stated that they do not see a distinct difference between DHR-contract attorneys (MLSP vendors) and non-DHR- contracted attorneys (court-appointed) in their compliance with the *Guidelines*. Many of the judges, however, said they do not use court-appointed attorneys and only see DHR-contracted attorneys. Some judges said that the DHR-contract attorneys are generally more competent in their role and handling of cases and are generally more aware, more knowledgeable of, and compliant with the *Guidelines*.

CINA, cont. from p. 1

The first day, reserved for judges and masters, was full of informative breakout sessions meant to equip participants with the “tools” necessary to render solid decisions in CINA and related cases. The sessions included the “nuts and bolts” of both CINA and TPR, ASFA—Specific Findings in Permanency Planning, On-Line Version of the Benchbook and the New Juvenile Rules and the Uniform Court Orders. Each of the sessions yielded lively discussions from conference participants. These sessions were so informative and yielded so much discussion, that many members from the other disciplines requested that some of the topics be duplicated for the multi-disciplinary day!

The second day of the conference was equally informative with presentations on “Adoptions Options,” Domestic Violence and Its Effects on Children, and Core Service Agency Services and Responsibilities all presented by local experts.

Conference attendees left equipped for another year and optimistic that the jewels of wisdom bestowed upon them would make a difference in Maryland’s most prized possessions — it’s children. Hats off to Judge David W. Young and the members of the Foster Care Court Improvement Project’s Training Subcommittee for a job well done! Stay tuned for next year’s Sixth Annual Child Abuse and Neglect Judicial Conference.



Left to right: Althea Stewart Jones, Director, FCCIP; Judge David Young; and Tracy Watkins-Tribbitt, Asst. Director, FCCIP.



Changes in Maryland's domestic violence orders

The Maryland Judiciary has updated the orders used in domestic violence proceedings. Specifically, the Ex Parte Temporary Protective Order (CC DV2) and the Protective Order (CC DV3) forms have changed. Text has been added to reduce the need for marginalia—additional orders which often had to be written in the margins.

Orders are now in fillable field format, which allows court personnel to fill in the blanks of the orders on the computer rather than having a judge hand-write the order. Of course, these new orders can also be printed as they appear and then filled in by hand. The orders are on the web for use by judges and clerks.

In addition to these orders, the Petition for Protection and Temporary Peace Order (PO 1), Addendum (PO 1a), Supplement (POIS), and the Petition for Protection from Domestic Violence can be found on the web through the court forms page of the Judiciary website, www.courts.state.md.us.

Committee on Family Law update

A roadmap for Family Divisions

In the spirit of collaborative planning that has gripped the Judiciary, the Committee on Family Law participated in a planning retreat September 24. The event, held at the Sheppard Pratt Conference Center in Towson, Maryland, provided the judges on the committee an opportunity to brainstorm, reflect and envision. Judges on the committee, led by the Chair, Judge Larnzell Martin, developed a mission and goals for the committee, along with an extensive list of objectives and tasks. It was a creative and productive half-day. Committee members “re-charged” themselves with providing guidance to family divisions and family services programs, and came up with a number of projects that might be undertaken to fulfill the *Performance Standards and Measures for Maryland’s Family Divisions*.

The mission and goals developed will be submitted to the Judicial Conference for final approval. The committee will spend time at a subsequent meeting prioritizing the objectives and tasks identified to support those goals.



Proposed mission and goals of the Committee on Family Law

The mission of the Committee on Family Law is to review substantive, procedural and management issues, and recommend policies for the most efficient, fair and equitable administration of family matters within the justice system, and to improve public trust and confidence in that system.

To fulfill that mission, the Committee on Family Law proposed the following goals:

- | | |
|--------|---|
| Goal 1 | Set priorities and identify best practices for the resolution of family matters. |
| Goal 2 | Provide guidance to the Judicial Conference for the review and implementation of laws and directives concerning family matters. |
| Goal 3 | Enhance the experience and knowledge of family judges, masters, court personnel and service providers. |
| Goal 4 | Promote the achievement of the <i>Performance Standards</i> established for Maryland’s family divisions. |

Time to reflect . . .

Coordinators mine fresh ideas at retreat



Family support services coordinators and family divisions administrators gathered at the Kent Manor Inn on Kent Island on September 12th to focus on the courts' accomplishments in serving families and children and to generate ideas for the future. The retreat provided an opportunity for the 27 participants to take time away from busy schedules to hear from one another and to exchange ideas.

Pamela Ortiz and Jennifer Keiser of the Department of Family Administration facilitated large and small group discussions on how the department might better serve the courts and coordinators and on how coordinators wanted to spend their time during quarterly meetings. Coordinators suggested that future meetings include in-service training on grant writing, stress management, and project planning and implementation, as well as time set aside to hear from their colleagues on successful Maryland programs, and just more "time to connect."

Holly Hutchins, coordinator for Anne Arundel County Circuit Court, led the group in brainstorming a possible name change for family support services coordinators. Most participants felt the name misleading and cumbersome. The group came up with a recommendation which will be forwarded to the Committee on Family Law after the Fall quarterly coordinators' meeting, when participants will also review the recommended job description to see if additional changes are warranted.

Participants spent the afternoon working in small groups to identify accomplishments, challenges, and action items for the five basic tenets of the *Performance Standards and Measures for Maryland's Family Divisions*—access to justice; expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence.

Finally, Jennifer Keiser led the group in a spirited competition for the "best new idea for 2002." Participants proffered their best innovation or strongest program and secret ballots were taken. Winners included: JoAnne Hockman of Frederick County, who shared with great passion the progress that circuit court has made in improving the quality and availability of representation for children with a series of training sessions for children's attorneys; Sue German of Baltimore City, who shared that court's success in developing the "Shared Parenting Program," a course for never-married parents, and the Children's Art Project conducted with the Maryland Art Institute; and Holly Hutchins and Jennifer Cassel of Anne Arundel County, whose research led to a revamping of the co-parenting course to include discussion groups and mediation orientation. Winners will share the details of their programs at quarterly meetings throughout the year. For a complete outline of Coordinator Retreat Outcomes see www.courts.state.md.us/family.



Amy Craig (Dorchester) and
James Wilson (Prince George's)



Holly Hutchins (Anne Arundel)

photos by
Patricia Jordan

Forms now in fillable field format

Users of the domestic relations forms online will no longer have to print forms out and complete them by hand or by typewriter. The forms can now be completed online and simply printed. Theresa Thomas of the Court Information Office has been working with the Department of Family Administration and a vendor to convert the complete set of domestic relations forms to a “fillable field format” using Adobe Acrobat (PDF).

The new forms have replaced the original .PDF versions on the website. For those who prefer to complete the forms later, they can still be downloaded or printed as is. Ideally, users will begin completing forms online, thereby ensuring that petitions and other documents will be legible when filed.

Forms continue to be available through the Judiciary website at, <http://www.courts.state.md.us/family/forms/index.html>. Forms must still be filed in hard copy, i.e., they may not be filed electronically. Nor does the website provide users the opportunity to save their work – users must complete their work during a single session.

The Department of Family Administration is exploring the possibility of funding outreach sites similar to several sites recently funded by the Maryland Legal Assistance Network. These are workstations in each court or pro se provider office where users can complete the forms online, reducing the need for clerks and pro se offices to make hard copy forms available and ensuring that filed documents are readable. The Department of Family Administration will be researching funding opportunities for such an initiative in the near future.



Dr. Jan Johnston to offer training for custody and mental health evaluators

Custody and mental health evaluators will have an opportunity to participate in a training offered by Dr. Jan Johnston, a nationally recognized researcher and author on high-conflict families. The course, *Working with High-Conflict Families on Custody and Visitation Issues*, is sponsored by the Department of Family Administration. The course will be offered March 27-28, 2003 at the Judiciary Training Center in Annapolis.

The event will cover a variety of topics of interest to custody and mental health evaluators including: threats to the development of children in high-conflict divorce, domestic violence in custody disputing families, children who refuse visitation, and risk factors for parental abduction.

The event will be open to all custody and mental health evaluators who are employed by the court or who receive referrals regularly from the court in domestic cases. Flyers will be mailed to evaluators and court personnel at a later date with information about this event.

If you would like to receive information about the course, contact Jennifer Keiser at 410-260-1580.

Putting "teeth" in child support orders

The Child Support Subcommittee, under the direction of Honorable Dexter Thompson, Chair, recently completed a report that recommends improvements in the handling of child support cases. The subcommittee was mandated to examine the efficacy (or lack thereof) of civil contempt and the effect the civil contempt process had on public trust and confidence in the courts. As they surveyed child support judges, masters and attorneys, however, the Subcommittee found additional issues that need attention. In their examination of child support topics, the subcommittee heard from guest speakers, conducted research and examined the child support process.

The report includes recommendations that would strengthen and encourage the use of criminal contempt. The need for continuous communication between the courts, CSEA and practitioners is also highlighted. At the time this article went to press, the report was still pending approval from the full Committee on Family Law.



Contempt and Non-support

Every circuit court judge surveyed responded that enforcement of existing child support orders was a concern. As most practitioners in the field know, recent changes in the case law have made it very difficult if not impossible to incarcerate a parent who is not paying their child support. The subcommittee recommends an improvement in the usage of criminal contempt and criminal non-support to combat this dilemma. They have suggested statutory changes that would place jurisdiction of criminal contempt and criminal non-support in the circuit court where child support cases already exist; limiting imprisonment for a first conviction to 179 days, with subsequent offenses remaining at three years; and removing the right to a jury trial for first offenses only. The use of criminal prosecution will allow judges to enter PBJs (orders for probation before judgment) and maximize the use of VOPs (violations of probation). In addition to listing available resources for obligors; using civil contempt wisely and developing criteria for differing levels of enforcement, education for court personnel, State's Attorneys and Bureau of Support Counsel is also necessary to expand the use of these enforcement tools.

Subsequent Families

When child support is calculated, judges and masters are permitted to consider the presence of "other children" in either parent's household. However, once the court decides to consider the "other children", there is no clear guidance on how to calculate a deviation from the child support guidelines. This issue was of high concern to those surveyed. The Child Support Subcommittee will make analysis of the incorporation of subsequent families into the guidelines a priority for the coming year.

Other Issues

Along with enforcement and guidelines, the subcommittee examined employment programs, investigative tools, support of State's Attorneys, outstanding bench warrants, emergency child support proceedings and UIFSA (Uniform Interstate Family Support Act). The subcommittee provided recommendations on each of these issues. An overriding theme in the report concerned the need for continuous communication between the court, CSEA and practitioners.

Welcome aboard



Beverly Schulerbrandt,
TPR Court Coordinator

photo: Pamela Ortiz

The Department of Family Administration would like to welcome aboard Beverly Schulerbrandt, Esq. Beverly has joined us as the new TPR Court Coordinator for the Foster Care Court Improvement Project.

Her role will be to assist the judiciary statewide in addressing the termination of parental rights (TPR) backlog and in developing additional resources for court reform in the foster care system. In her new position, Beverly will be working closely with the new permanency planning liaisons in each judicial circuit in an effort to identify potential barriers to TPR case management throughout the state.

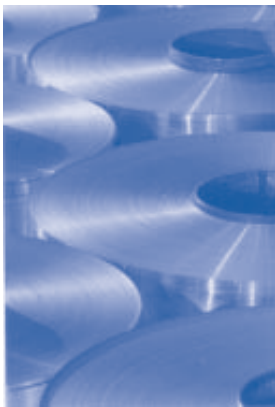
Beverly comes to us from the Office of the Public Defender in Baltimore City, where she supervised eight staff attorneys. In addition, she managed her own caseload of indigent custodial parents, legal guardians, and disabled parents in Child In Need of Assistance (CINA) matters and TPR hearings. Prior to her work at the Office of the Public Defender, Ms. Schulerbrandt also served as a staff attorney for the Legal Aid Bureau, Inc., where she represented neglected and abused children.

In her spare time, Beverly enjoys socializing with family and friends and reading. She is a member of a book club, and also serves as president of her homeowners association. She has been married to her husband, Sherwin, for three years.

Beverly earned her Bachelor of Arts degree at Wake Forest University in Winston-Salem, North Carolina. She earned her law degree from the University of Maryland at Baltimore.

Please look forward to greeting Beverly in her travels across the state, as she ventures out to meet the players that will be instrumental in carrying out the goals of the TPR Work Group. For more information regarding the initiatives of the TPR Work Group, please contact Beverly at (410)260-1428.

On the road to uniformity



In an effort to generate more accurate statistics, the Foster Care Court Improvement Project's Statistics Subcommittee sponsored five days of training for juvenile clerks statewide. The emphasis was on reviewing uniform terminology, reporting requirements, and overview of the UCS system. The training was well-attended, with representation from all but two counties.

The training served as a learning opportunity for clerks, JIS staff, programmers, and Foster Care Court Improvement Project staff alike. The information presented yielded many fruitful discussions on legal compliance, procedures, and the importance of statistics. One of the many outcomes of the training was the recognition that there is a need for interdisciplinary training. Several attendees suggested presenting the information to a mixed forum of judges, masters, attorneys, and clerks so that each could see how his or her role affects the others. The Statistics Subcommittee will consider this suggestion and other jurisdictional issues that came out of the sessions.

Overall, the training was well received and proved to be a good use of time. Approximately one week after attending the training, one clerk called back to report that she had spoken to her administrative judge and they were making some changes as a result of the information she brought back from the training. It looks like at least one county is fully on the road to uniformity!

court
appointed
special
advocates
program

All about CASA

The mission of Maryland's Family Divisions is to provide a fair and efficient forum to resolve family legal matters in a problem-solving manner, with the goal of improving the lives of families and children who appear before the court. One way to accomplish this mission is to implement programs within the courts for families in need of special services. One such program is the Court Appointed Special Advocate Program (CASA), which was created by legislation in 1989.

CASA programs provide volunteers who ensure that children who are the subject of a CINA proceeding are provided with appropriate services and case planning that is in their best interest. The Department of Family Administration recently assumed responsibility for administering state funding to support Maryland's CASA programs.

In addition to serving as advocates for children during complex legal proceedings, CASA volunteers are a source of trust for children during a very stressful period in their lives. The volunteers offer some level of comfort by explaining the various court events, as well as the roles of the judge, lawyers and social workers. While remaining objective observers, CASA volunteers also encourage children to express their own opinions and hopes.

Several studies have shown that children who have been assigned CASA volunteers spend less time in court and less time within the foster care system than those who do not have CASA representation. Judges interviewed during the study rated CASA volunteers positively on the quality of their written reports, verbal testimony, overall case assessments and appropriateness of their recommendations. Judges have observed that CASA children also have better chances of finding permanent homes than children without CASA representation.

There are twelve CASA programs throughout the state, serving Baltimore City and Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Prince George's, St. Mary's, Talbot, Wicomico and Worcester counties. Additional programs are in development in Caroline, Dorchester and Charles counties.

Each of the programs is a private nonprofit organization or operates under the umbrella of a nonprofit entity. It is the goal of the Maryland CASA Association and the state's local programs to provide an advocate for every abused and neglected child who needs one. For more information about CASA, or to volunteer, please contact: Maryland CASA Association, Inc., at (410) 244-1066.



Around Maryland

Baltimore City

The Family Division that Plays Together, Stays Together. The Circuit Court for Baltimore City Family Division hosted it's 1st Annual Picnic on September 8th, at the Gwynn Oak State Park, with 75 to 100 people in attendance. Paulette Young took first place in the barbecue contest. The softball game was very competitive, and the team led by Master Christopher Panos went down in defeat



Baltimore City Family Division celebrates with a picnic.

photo by T. Sue German

to the team led by Master Theresa Furnari, despite masterful assistance from Sue German at third base (who, by the way, did not catch one ball that was thrown to her!). Judge Holland was an active fan. Master Robert Bloom was awarded the most spirited player for his lengthy participation in the game. It was a fun time to mingle and get to know people you would not necessarily come in contact with during the work hours.

Baltimore hopes to make it an annual event and they are looking forward to having it next year at one of Baltimore's local parks on a Saturday. Thanks to the courts, judges, masters for their financial support, clerks for their tasty dishes and to the planning committee: Master Theresa A. Furnari, Paulette Young, Laverta Wilkerson, Kathy Coleman and Michael Crawford.

Eastern Shore

GAL Training. Talbot, Caroline, Dorchester, Queen Anne's and Kent counties are sponsoring a full day advanced training for guardian ad litem. This program will be presented by COSD at the Tidewater Inn and Conference Center in Easton on November 15th, from 9:30 a.m. to 4:00 p.m. The fee for this valuable training is "YOUR COMMITMENT TO CHILDREN."

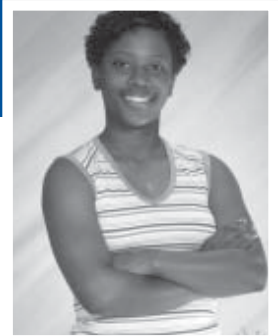
Subjects to be covered include:

- Role of children's/appointment of attorneys
- Standards/certification/ongoing CLE
- Fees/court orders/ ethical issues
- Research on the impact of divorce/losses children experience
- Child and family focused decision making models
- Interviewing children/skills/special problem areas
- Developmental/impact of divorce/parenting infants, toddlers, older elementary, high school



Somerset

Intern Assists Somerset. Danielle White served as the judicial intern for Somerset County Circuit Court during the summer of 2002. Judge Daniel M. Long and First Circuit Administrator Lynn Cain developed the program in conjunction with the local school systems and the Lower Shore Workforce Investment Program. Danielle was the second intern to serve in this capacity for Somerset County. A graduate from Washington High School in Princess Anne, she is currently attending Salisbury University, where she is majoring in computer science. Danielle assisted the staff in Judge Long's chambers in a variety of tasks. She retrieved files from the clerk's office, became familiar with the formalities of court decorum, observed court cases, worked in the law library and assisted the judge, family services coordinator, law clerk and secretary. The staff and Judge Long wish Danielle much success in all future endeavors.



Danielle White, Intern

Worcester

Worcester Thanks Volunteers! On Friday, September 6th, the Circuit Court for Worcester County held their annual Volunteer Attorney Settlement Panel appreciation luncheon at the historic Atlantic Hotel in Berlin. This event was held to thank the 17 members of the panel, lawyers who volunteer their time to facilitate both domestic and non-domestic civil settlement conferences. In addition, some members are also mediators and they conduct both pro se mediations and non-domestic civil mediations at a significantly reduced fee. During fiscal year 2002, the panel volunteered 300 hours of service to the court.

The annual luncheon was an opportunity to thank the panel for their commitment to settlement conferencing as an alternative to litigation. Members of Worcester County's Panel are: James W. Almand, David Bodley, Cathi V. Coates, Randy Coates, Mark Cropper, David Gaskill, Valerie Gaskill, Edward Hammond, Paul Haskell, Bill Hudson, John Hyle, James Murray, Chris Palmer, Olivia Phillips, Jim Porter, Kathy Smith, and Kathryn Westbrook. The court thanks each and every one of our panel members for a job well done!

Woodward, *continued from p. 5*

Judge Woodward: My daughter, Carlotta was 14 years old when I started with the FCCIP. She and my wife have been very understanding about my attendance at the many meetings and conferences related to the FCCIP over the past nine years. Indeed, Carlotta actually chose (without pressure from me) to pursue a career in law.

Althea: Outside of chairing the FCCIP, what do you do for fun?

Judge Woodward: I love reading history. I am a military history buff, primarily the Civil War, but also World War I, and World War II. I am also very active in my church, currently chairing the administrative board. Finally, I love to travel when I can. I recently took a trip to Las Vegas.

Althea: Last question. Do you think you can go another five or six years with the FCCIP?

Judge Woodward: I plan to continue with the FCCIP as long as Chief Judge Bell wants me and as long as I feel that I am making a contribution to the improvement of the judicial administration of abuse and neglect cases.

Clerks award child support incentive grants

Clerks offices and child support offices in Somerset, Worcester and Charles counties have been awarded incentive funds by the Child Support Incentive Funds Committee. In Somerset County, incentive funds will be used to replace deteriorating paternity file folders. Clerk of Court Ted Phoebus proposed the project.



In Charles County, an incentive fund grant will fund a mediation program called “Family First.” Two requests were approved for Worcester County, one for funding for carbonized form

court orders and a cart to transport case files, the other to implement the “Nurturing Fathers” program.

“Children First” will be implemented by Ann McFadden, Family Services Director, Charles County Circuit Court. This is an innovative family mediation program available on the day of court. Mediation

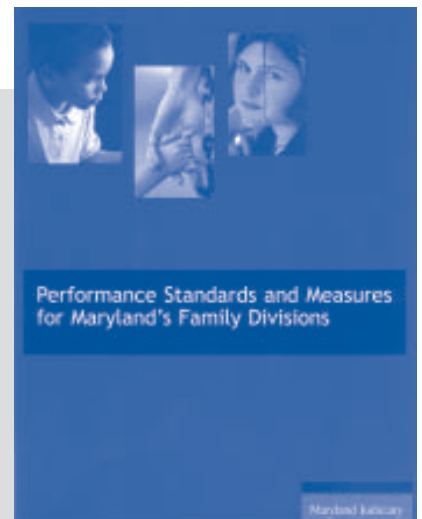
services will be provided at no cost to participants and will be available three hours a week. Mediators will assist the parties to resolve “collateral” issues—e.g., custody and visitation issues—that arise during the course of a child support or paternity case. This grant has been approved by the Conference of Circuit Court Clerks, but will need final approval from the federal Office of Child Support Enforcement prior to disbursement.

Anne C. Turner, Family Support Services Coordinator, Worcester County Circuit Court, will implement Mark Perlman’s “Nurturing Fathers Program.” The program is a 13-week group for separated/divorced fathers ages 18 to 40 who are not engaged in a consistent, healthy relationship with their children. The program is structured to provide fathers with experiences and opportunities to change parenting attitudes and behaviors. This grant has also been awarded contingent upon federal approval.

The Child Support Incentive Funds Committee, chaired by Dennis Weaver, Clerk, Circuit Court for Washington County, oversees use of these funds, with approval from the Conference of Circuit Court Clerks.

Performance Standards now available

The completed version of the *Performance Standards and Measures for Maryland's Family Divisions* has been printed and is now available for distribution. Copies will be mailed to all circuit court judges, masters, court administrators, and coordinators. Others interested in obtaining a copy, or for additional copies, please contact Lisa Craft at 410-260-1580 or e-mail her at lisa.craft@courts.state.md.us.





mark your calendar . . .

November 12, 2002	Coordinator's Meeting	Lisa Craft, 410-260-1580
November 14, 2002	Gal Training, Upper Eastern Shore	Patricia Jordan, 410-822-3718
November 18, 2002	Committee on Family Law Meeting	Pamela Ortiz, 410-260-1580
January 6-10, 2003	40-hour Mediation Training	Jennifer Keiser, 410-260-1580
January 29, 2003	MICPEL/PBRD: Handling Contested Custody Cases	PBRC, 410-837-9379
January 31, 2003	Regional Conference: Child Sexual Abuse and the Courts - Annapolis.	Jennifer Pollitt Hill, MCASA, 410-974-4507
February 4-6, 2003	20-hour Domestic Mediation Training	Jennifer Keiser, 410-260-1580
March 14, 2003	Regional Conference: Child Sexual Abuse and the Courts- Salisbury	Jennifer Pollitt Hill, MCASA, 410-974-4507
March 21, 2003	Regional Conference: Child Sexual Abuse and the Courts - Frederick	Jennifer Pollitt Hill, MCASA, 410-974-4507
March 27-28, 2003	High Conflict Families: A Training For Custody and Mental Health Evaluators	Pamela Ortiz, 410-260-1580
March 28, 2003	Celebrate the Child, the National CASA Conference, Boston, MA.	Ed Kilcullen, 410-244-1066
April 25, 2003	Regional Conference: Child Sexual Abuse and the Courts- Baltimore	Jennifer Pollitt Hill, MCASA, 410-974-4507
April 29, 2003	10 th Annual Governor's Conference on Child Abuse and Neglect	Ed Kilcullen, 410-244-1066

Department of Family Administration

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